

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). It is respectfully submitted that Franke does not disclose each element of claims 1, 2, 5, and 8.

Independent claim 1 recites a method for calibrating a sensor system for detecting and analyzing an object in a path of a vehicle that includes, *inter alia*, sending to a calibration unit data that is interpreted as representing the object as one of stationary and quasi-stationary, taking into account a motion of the vehicle. With regard to this feature of claim 1, the specification of the present invention provides the following:

Object points P_O with a small confidence interval and coordinates that are stable in time are characterized as belonging to stationary objects 6 and are included in the model parameter vector. Conversely, points that are not stationary or are no longer stationary because of variable coordinates are removed from the model parameter vector. Similarly, the vehicle's own motion is determined by way of solid estimation methods from the relative velocities of all objects 6 as measured by radar sensor 3, *and only the objects that move at this relative velocity are accepted as stationary and their position assigned to the model parameter vector.*

(Specification, page 9, lines 22 to 29; emphasis added). Thus, according to the specification, objects are interpreted as being stationary or quasi-stationary in order to distinguish them from moving objects, and, as a result, to include the former (by sending this data to a calibration unit) and remove the latter from the model parameter vector.

In the Office Action, the Examiner asserts that Figure 2, col. 2, lines 29 to 44, and col. 5, lines 13 to 33, of Franke disclose this feature recited in the claim. These sections describe a Kalman filter which provides a linking of output signals from an object position sensing circuit and a lane recognition sensing circuit by an estimation algorithm. Franke, col. 2, lines 39 to 44; col. 5, lines 29 to 33. However, the Kalman filtering process according to Franke does not include sending to a calibration unit data that is interpreted as representing the object as one of stationary and quasi-stationary, taking into account the motion of the

vehicle. In fact, Franke specifically discloses lumping together both stationary or quasi-stationary and moving objects in further calculations without making any interpretation as to which of the objects represent stationary and quasi-stationary objects where it discloses expanding the Kalman filter so that “for each radar object, the distance d_R and the relative velocity v_{relR} are also added as state variables.” Col. 6, lines 18 to 19. According to this process there is no interpretation regarding whether an object is stationary (or quasi-stationary) or moving because the information for each object is added as a state variable regardless of whether its relative velocity is close to zero (i.e., if it is stationary or quasi-stationary with respect to the vehicle) or its relative velocity is considerably greater (or less) than zero, and it is moving with respect to the vehicle. Therefore, it cannot be said that Franke meets the limitation of “sending to a calibration unit data that is interpreted as representing the object as one of stationary and quasi-stationary, taking into account a motion of the vehicle.”

For at least these reasons, it is respectfully submitted that Franke does not disclose each feature of independent claim 1. Accordingly, independent claim 1, and claims 2, 5 and 7, which depend from claim 1, are patentable over Franke.

Claims 6 and 8 stand rejected under 35 USC 103(a) as being unpatentable over Franke in view of U.S. Patent No.6,292,752 to Lemelson et al. (Lemelson).

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claims 6 and 8 depend from independent claim 1. Since Lemelson does not disclose or suggest the step of sending to a calibration unit data that is interpreted as representing the object as one of stationary and quasi-stationary, taking into account a motion of the vehicle, it does not cure the deficiencies of Franke as discussed above. Therefore, dependent claims 6 and 8 are patentable over Franke and Lemelson for at least the same reasons given above.

CONCLUSION

In view of the foregoing, it is submitted that the application is now in condition for allowance. Reconsideration, withdrawal of all grounds of rejection and issuance of a Notice of Allowance are solicited.

Respectfully submitted,
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